

By

Ogden  
(Ogden)

S.B. No. 190

A BILL TO BE ENTITLED

AN ACT

relating to continuing education requirements for auctioneers and associate auctioneers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 3B, Chapter 320, Acts of the 64th Legislature, Regular Session, 1975 (Article 8700, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3B. CONTINUING EDUCATION PROGRAMS. (a) To renew a license issued under this Act, a person must complete annually at least seven hours of continuing education in programs approved by the commissioner in the field of auctioneering.

(b) A person applying to renew a license issued under this Act must provide to the commissioner proof that the person has completed the continuing education requirement of this section.

(c) The commissioner shall adopt rules under this section for approval of continuing education programs. ~~The commissioner may recognize, prepare, or administer continuing education programs for licensees. Participation in the programs is voluntary.~~

→ Insert F.A.#1  
SECTION 2. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 1999.

(b) <sup>Subsection (b),</sup> Section 3B(b), Chapter 320, Acts of the 64th Legislature, Regular Session, 1975 (Article 8700, Vernon's Texas Civil Statutes), as added by this Act, applies only to a person who files an application to renew an auctioneer's or associate

1        auctioneer's license on or after September 1, 2000.

2                (c) The commissioner of licensing and regulation shall adopt  
3        rules    under <sup>Subsection (c),</sup> Section 3B(e), Chapter 320, Acts of the 64th  
4        Legislature, Regular Session, 1975 (Article 8700, Vernon's Texas  
5        Civil Statutes), as added by this Act, not later than March 1,  
6        2000.

7                SECTION 3.    The importance of this legislation and the  
8        crowded condition of the calendars in both houses create an  
9        emergency and an imperative public necessity that the  
10       constitutional rule requiring bills to be read on three several  
11       days in each house be suspended, and this rule is hereby suspended.

## **BILL ANALYSIS**

Senate Research Center  
76R3823 SMH-F

S.B. 190  
By: Ogden  
State Affairs  
2/10/1999  
As Filed

### **DIGEST**

Currently, auctioneers can handle millions of dollars of other people's money, legally sell almost anything, and yet despite this responsibility, they are not required to have a high school education. Since 1991, consumers have filed many claims against auctioneers for failing to follow the law. S.B. 190 requires continuing education for an auctioneer's license renewal.

### **PURPOSE**

As proposed, S.B. 190 makes participation in continuing education for auctioneers a requirement rather than voluntary.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the commissioner of licensing and regulation in SECTION 1 (Section 3B(c), Article 8700, V.T.C.S.) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 3B, Article 8700, V.T.C.S., to require a license renewer to complete and prove completion of at least seven hours of continuing education annually. Requires the commissioner of licensing and regulation to adopt rules for approval of continuing education programs. Deletes the provision that participation in education programs is voluntary.

SECTION 2. (a) Effective date: September 1, 1999.

(b) Makes application of this Act prospective to September 1, 2000.

(c) Requires the commissioner of licensing and regulation to adopt rules no later than March 1, 2000.

SECTION 3. Emergency clause.

1-1 By: Ogden S.B. No. 190  
1-2 (In the Senate - Filed January 19, 1999; January 28, 1999,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 29, 1999, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 29, 1999, sent to printer.)

1-6 BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to continuing education requirements for auctioneers and  
1-9 associate auctioneers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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1-13 Civil Statutes), is amended to read as follows:

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1-15 license issued under this Act, a person must complete annually at  
1-16 least seven hours of continuing education in programs approved by  
1-17 the commissioner in the field of auctioneering.

1-18 (b) A person applying to renew a license issued under this  
1-19 Act must provide to the commissioner proof that the person has  
1-20 completed the continuing education requirement of this section.

1-21 (c) The commissioner shall adopt rules under this section  
1-22 for approval of [may recognize, prepare, or administer] continuing  
1-23 education programs [for licensees.---Participation in the programs  
1-24 is voluntary].

1-25 SECTION 2. (a) Except as provided by Subsections (b) and  
1-26 (c) of this section, this Act takes effect September 1, 1999.

1-27 (b) Subsection (b), Section 3B, Chapter 320, Acts of the  
1-28 64th Legislature, Regular Session, 1975 (Article 8700, Vernon's  
1-29 Texas Civil Statutes), as added by this Act, applies only to a  
1-30 person who files an application to renew an auctioneer's or  
1-31 associate auctioneer's license on or after September 1, 2000.

1-32 (c) The commissioner of licensing and regulation shall adopt  
1-33 rules under Subsection (c), Section 3B, Chapter 320, Acts of the  
1-34 64th Legislature, Regular Session, 1975 (Article 8700, Vernon's  
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1-37 SECTION 3. The importance of this legislation and the  
1-38 crowded condition of the calendars in both houses create an  
1-39 emergency and an imperative public necessity that the  
1-40 constitutional rule requiring bills to be read on three several  
1-41 days in each house be suspended, and this rule is hereby suspended.

1-42 \* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 190  
By Ogden  
(Author/Senate Sponsor)  
3/29/99  
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,  
have on 3/25/99, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass and be printed  
☐ do pass and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Shapiro, Chair	✓			
Senator Shapleigh, Vice-Chair	✓			
Senator Bernsen	✓			
Senator Brown			✓	
Senator Cain	✓			
Senator Haywood	✓			
Senator Lucio	✓			
Senator Nixon			✓	
Senator Wentworth	✓			
TOTAL VOTES	7	0	2	0

COMMITTEE ACTION

S266 Considered in public hearing  
S270 Testimony taken

Andy R. Nottingham  
COMMITTEE CLERK

Ngino  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

SB 190  
SENATE COMMITTEE REPORT  
State Affairs Committee

March 25, 1999 - 12:30P

For: Sample, Jim (Sample & Son Auction Service), San Marcos  
Sisk, John (CAI) (Texas Auctioneers Association), Pettus  
Swigert, Jim (Texas Auctioneers Association), College Station  
Against: Fisher, John W. (Self), Temple  
Lange, Eddy (Self), Temple

Registering, but not testifying:

For: Garner, Ronnie, Jr. (Texas Auctioneers Association), Waco

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76R3823 SMH-F

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SECTION 3. Emergency clause.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 8, 1999

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB190 by Ogden (Relating to continuing education requirements for auctioneers and associate auctioneers.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 449 Finance Commission, 450 Savings And Loan Dept, 451 Dept Of Banking, 452 Dept Of License & Reg

**LBB Staff:** JK, SD, CB



# ADOPTED

APR 16 1999

*Atty. Ling*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY *Fran*

1 Amend S.B. No. 190, between SECTIONS 1 and 2 of the bill  
2 (Committee Printing page 1, between lines <sup>18</sup>24 and <sup>19</sup>25), by inserting  
3 the following:

4 (d) This section does not apply to a person:

5 (1) who on September 1, 1999, held a license issued  
6 under this Act; and

7 (2) during the 12-month period preceding the date the  
8 license expires:

9 (A) managed 10 or more auctions; or

10 (B) served as a bid caller at 20 or more  
11 auctions.

*Floor Am. #1*

*4-16-99*

April 16 1999 Engrossed  
Datay Daw  
Engrossing Clerk

By: Ogden

S.B. No. 190

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12 Act must provide to the commissioner proof that the person has  
13 completed the continuing education requirement of this section.

14 (c) The commissioner shall adopt rules under this section  
15 for approval of [~~may-recognize, prepare, or administer~~] continuing  
16 education programs [~~for licensees. Participation in the programs~~  
17 ~~is voluntary~~].

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5     64th Legislature, Regular Session, 1975 (Article 8700, Vernon's  
6     Texas Civil Statutes), as added by this Act, applies only to a  
7     person who files an application to renew an auctioneer's or  
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13     1, 2000.

14            SECTION 3. The importance of this legislation and the  
15     crowded condition of the calendars in both houses create an  
16     emergency and an imperative public necessity that the  
17     constitutional rule requiring bills to be read on three several  
18     days in each house be suspended, and this rule is hereby suspended.

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S.B. No. 190

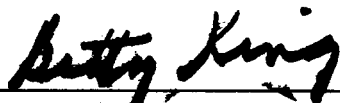
By 

A BILL TO BE ENTITLED

AN ACT:

Relating to continuing education requirements for auctioneers and associate auctioneers.

1-19-99 Filed with the Secretary of the Senate  
JAN 28 1999 Read and referred to Committee on STATE AFFAIRS  
MAR 29 1999 Reported favorably \_\_\_\_\_  
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.  
Ordered not printed  
Laid before the Senate  
APR 16 1999 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
APR 16 1999 Read second time, amended, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
APR 16 1999 Senate and Constitutional 3 Day Rule suspended by a vote of 29 yeas, 1 nays.  
APR 16 1999 Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays



SECRETARY OF THE SENATE

OTHER ACTION:

April 16, 1999 Engrossed

April 19, 1999 Sent to House

Engrossing Clerk



APR 19 1999 Received from the Senate  
APR 21 1999 Read first time and referred to Committee on Licensing & Administrative Procedures  
Reported \_\_\_\_\_ favorably (as amended) (as substituted)  
Sent to Committee on (Calendars) (Local & Consent Calendars)  
Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.  
Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
Returned to Senate.  
Returned from House without amendment.  
Returned from House with \_\_\_\_\_ amendments.  
Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays